

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Frederick Banks, Plaintiff, v. Soo Song, U.S. Attorney, et al., Defendants.	Case No. 17-cv-3000 (WMW/HB) REPORT AND RECOMMENDATION
---	--

HILDY BOWBEER, United States Magistrate Judge

Plaintiff Frederick Banks is currently being detained in Ohio on criminal charges filed in the United States District Court for the Western District of Pennsylvania. *See United States v. Banks*, No. 2:15-CR-0168-MRH (W.D. Pa. filed Aug. 5, 2015). In this District and countless others around the country,¹ Banks has filed identical complaints seeking writs of quo warranto, prohibition, mandamus, and other extraordinary relief from the ongoing Pennsylvania criminal proceedings, along with \$855 million in monetary damages. [See Doc. Nos. 1, 4.]

¹ *See, e.g., Banks v. Song*, No. 3:17-CV-0159-TMB (D. Alaska filed July 17, 2017); *Banks v. Song*, No. 2:17-CV-2379-DJH-DMF (D. Ariz. filed July 17, 2017); *Banks v. Song*, No. 3:17-CV-1460-JLS-WVG (S.D. Cal. filed July 17, 2017); *Banks v. Song*, No. 3:17-CV-1189-VAB (D. Conn. filed July 17, 2017); *Banks v. Cesar*, No. 1:17-CV-0974-LPS (D. Del. filed July 17, 2017); *Banks v. Song*, No. 8:17-CV-1720-VMC-AAS (M.D. Fla. filed July 17, 2017); *Banks v. Song*, No. 1:17-CV-2694-WSD (N.D. Ga. filed July 17, 2017); *Banks v. Song*, No. 1:17-CV-0339-JMS-KJM (D. Haw. filed July 17, 2017). *Cf. Banks v. Valaluka*, No. 1:15-CV-1935, 2015 WL 7430077, at *1 & n.1 (N.D. Ohio Nov. 18, 2015) (identifying 205 meritless federal actions initiated by Banks across 16 federal district courts).

This Court, therefore, will not be the first to explain to Banks that he cannot seek relief in a judicial venue that is wholly unconnected to the events in his pleading. *See, e.g., Banks v. Song*, No. 1:17-CV-0339-JMS-KJM (D. Haw. July 25, 2017) [Doc. No. 5]. To the extent that Banks seeks a writ of mandamus compelling the Western District of Pennsylvania to act in some way, he may seek that relief only from the Third Circuit Court of Appeals (which, this Court notes, has already denied Banks the mandamus relief he requests here, *see In re Banks*, 670 Fed. App'x 54 (3d Cir. 2016)). To the extent that Banks seeks a civil remedy such as monetary damages, he may do so only in “a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located” or “a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.” 28 U.S.C. § 1391(b)(1)-(2). None of the events at issue occurred in the District of Minnesota, and, by all indications, none of the Defendants to this action reside in the District of Minnesota. There is no reason whatsoever for this action to have been brought in this District, or, for that matter, the vast majority of the dozens of districts in which this same action was also attempted to be brought.

“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a).

Identical actions filed by Banks have already been transferred to the appropriate venue for further consideration. *See, e.g., Banks v. Song*, No. 8:17-CV-1720-VMC-AAS (M.D. Fla. filed July 17, 2017). There is no reason to transfer yet another duplicative proceeding. This matter should be dismissed without prejudice.

Based on the foregoing and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. This matter be **DISMISSED WITHOUT PREJUDICE** for improper venue.
2. Plaintiff Frederick Banks' applications to proceed *in forma pauperis* [Doc. Nos. 2, 5] be **DENIED AS MOOT**.

Dated: August 14, 2017

s/ Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).